

In re) Fair Hearing No. B-06/08-261
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 Appeal of)

The petitioner appeals a decision by the Department for Children and Families regarding the amount of his Food Stamps. The petitioner disagrees with the Department's decision to include his child's Supplemental Security Income (SSI) disability benefits as income to his household.

FINDINGS OF FACT

¹ In addition, the Department will communicate to the Social Security Administration on petitioner's behalf.

2. Petitioner started a job in April 2008. He supplied the Department with wage stubs so that his benefits could be correctly calculated.

3. On April 22, 2008, the Department sent petitioner a notice that his Food Stamps would change from \$247 per month to \$239 per month effective June 1, 2008. On June 4, 2008, the Department sent petitioner a notice that his Food Stamps should be \$246 per month effective June 1, 2008. The Department included both petitioner's wages and the son's SSI when calculating countable income for the household. There is no dispute as to the actual calculations.

4. Petitioner met with his eligibility worker and was upset about the amount of his family's Food Stamps. Petitioner thinks the amount of the Food Stamps is too low for his family. Petitioner was also upset that the Department included his son's SSI because he believes that he will get in trouble with the Social Security Administration if any of the SSI is used for household expenses. Because petitioner was upset, he was given the option of asking for a fair hearing. He filed this hearing.

ORDER

The Department's determination of the petitioner's amount of Food Stamps is affirmed.

REASONS

The Food Stamp Program was created to combat hunger and malnutrition among low income households. Food Stamp Manual § 271.1. The amount of Food Stamps a household receives is based upon a complex formula that is set out in the Food Stamp Manual (FSM) and that reflects the level of federal funding for the Food Stamp Program. FSM § 273.9. We sympathize with the petitioner's argument that the amount of Food Stamps may not be adequate to feed his family, but the amount of Food Stamps is based on available funding and is applied in the same manner to others in petitioner's circumstances.

This formula includes both earned and unearned income except for those sources that are specifically excluded. FSM § 273.9(b)(1)(2) and FSM § 273.9(c). SSI is considered unearned income and is included as household income. FSM § 273.9(b)(2)(1).

The petitioner's concern is that he will get into trouble with the Social Security Administration because he

believes he can only use the SSI for his son. However, his son is part of the household and there is an understanding that the SSI will help the household pay towards rent, utilities, food and other household expenses that also benefit the son. Including the SSI as Food Stamp income should cause no problem for the petitioner with the Social Security Administration.

Based on the regulations, the Department has correctly determined the household income and the amount of the Food Stamps. Accordingly, the Department's decision is affirmed.
3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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